

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the application is respectfully requested in view of the amendments and remarks provided herein.

Claim 1 was objected to for containing informalities. In accordance with the Examiner's suggestions, claim 1 has been amended herein. Withdrawal of this objection is respectfully requested.

Claims 1, 2, and 17-19 were rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (U.S. Patent No. 3,122,260). Traversal of this rejection is made for at least the following reasons. Regarding claim 1, Ryan does not disclose an annular shaped member wherein a first side of the annular shaped member is substantially *smooth and flat*. Instead, Ryan discloses a lid or cover in which a handle 10 projects upwards from the surface of the lid (See Fig. 1 of Ryan). Regarding claim 17, Ryan fails to disclose *rod-receiving means* for removably coupling a basketball training device on a basketball hoop. In fact, there is nothing provided on or in the lid of Ryan that is adapted to receive a rod for removably coupling the lid from the disposal can. Instead, the lid is removably coupled to the disposal can via the handle 10. Because Ryan does not disclose each and every limitation set forth in claims 1, 2, and 17-19, Ryan cannot anticipate such claims. Withdrawal of this rejection is respectfully requested.

Claims 1, 3-11, and 17-19 were rejected under 35 U.S.C. 102(b) as being anticipated by Dunagan et al. (U.S. Patent No. 2,911,180). Traversal of this rejection is made for at least the following reasons. Dunagan et al. does not disclose a flange that *encircles* a portion of an *outer edge* of the annular shaped member and projects downwardly from a second side of the annular shaped member by a length greater than a cross-sectional rim diameter, as required by claim 1. Regarding claim 17, Dunagan et al. does not disclose means for creating a shelf-like image on a basketball hoop or rod-receiving means for removably coupling the basketball training device on the basketball hoop. As described in the specification of the present application, the means for creating a shelf-like image includes the annular shaped member and flange, which encircles a portion of an *outer edge* of the annular shaped member. The structure, when placed over a rim of a basketball hoop, creates a shelf-like image on the basketball hoop.

The Examiner relies on flat base 10 and arcuate gripping arm 18 of Dunagan et al. as being equivalent to the claimed annular shaped member and flange, respectively. However,

the arcuate gripping arm 18 does not encircle a portion of an *outer edge* of the flat base 10. Instead, the arcuate gripping arm 18 is coupled to a pivot bolt 14, which is *spaced forwardly* a distance from a back edge of the base 10. Even when the arcuate gripping arm 18 is in its most extended position (Fig. 2), it does not encircle a portion of the outer edge of the base 10. Further, there is nothing in Dunagan et al. which discloses that the arcuate gripping arm 18 projects downwardly from the base 10 by a length greater than a cross-sectional rim diameter.

Regarding claims 3 and 4, the Examiner relies upon bolt 24 and nut 34 of Dunagan et al. as being equivalent to the claimed arm of claim 3 and claimed rod-receiving structure of claim 4. However, the bolt 24 does not extend from the base 10 of the trash can support, as required by claim 3. Rather, the bolt 24 merely projects through an aperture 28 provided in the base 10. Further, if the Examiner relies on bolt 24 as being equivalent to the claimed arm; the Examiner cannot then rely on the nut 34, which is threaded onto the bolt 24, as being equivalent to the claimed rod receiving structure. The nut 34 receives an end portion of the bolt 24/arm. Claim 4 requires that the arm include a rod receiving structure to receive an end portion of a *rod*, not an end portion of the arm. The arm and the rod are claimed as separate components.

Regarding claim 6, Dunagan et al. does not disclose a notch created in the flange, wherein the notch is adapted to receive a support structure for a basketball hoop. It is not clear to the Applicant exactly which feature the Examiner considers as being equivalent to the claimed notch. However, it is submitted that Dunagan et al. does not disclose any feature that is adapted to receive a support structure for a basketball hoop, as required by claim 6.

Regarding claim 9, Dunagan et al. does not disclose a plurality of protrusions which create a circular path concentric with the flange. The Examiner relies upon bolt 24 as being equivalent to the claimed plurality of protrusions and the arcuate gripping arm 18 as being equivalent to the claimed flange. Bolt 24 is provided through a rolled flange provided at an end portion of the arcuate gripping arm 18. It is submitted that bolt 24 does not create a circular path. Further, because the arcuate gripping arm 18 pivots with respect to pivot bolt 14, there is no circular path formed by the arcuate gripping arm 18.

Regarding claim 11, Dunagan et al. does not disclose a flange and a plurality of protrusions that create an area to receive a basketball rim. As stated above, the Examiner relies on arcuate gripping arm 18 and bolt 24 as being equivalent to the claimed flange and protrusions, respectively. In contrast to the claimed invention, the arcuate gripping arm 18

and bolt 24 pivot with another gripping arm 16 and bolt 26 to secure a bottom portion of a trash can.

Because Dunagan et al. does not disclose each and every element set forth in claims 1, 3-11, and 17-19, Dunagan et al. cannot anticipate such claims. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1, 3, 4, 6, 7, 9-11, 13, 14, and 16-20 were rejected under 35 U.S.C. 102(b) as being anticipated by Booker et al. (U.S. Patent No. 5,881,583). Traversal of this rejection is made for at least the following reasons. Booker et al. does not disclose a flange that *encircles* a portion of an *outer edge* of an annular shaped member. The Examiner relies on cover member 12 and a pair of diametrically opposed coupling members 22 as being equivalent to the claimed annular shaped member and flange, respectively. However, the coupling members 22 do not *encircle* a portion of the *outer edge* of the cover, as required by claim 1. Rather, the coupling members 22 are secured to a planar lower surface of the cover *disposed inwardly of the peripheral edge* (see Fig. 2).

Regarding claims 3 and 4, the Examiner relies on aperture 30 as being equivalent to the claimed rod receiving structure; however it is not clear what the Examiner considers as being an equivalent structure to the claimed arm. Assuming that the Examiner considers the coupling members 22 as being equivalent to the claimed arm, it is submitted that the Examiner cannot rely on the coupling members 22 as being equivalent to both the claimed flange and the claimed arm. Clarification of this rejection is requested.

Regarding claim 7, again, it is not clear what structure the Examiner is relying upon as being equivalent to the claimed plurality of protrusions as the Examiner merely cites Fig. 2 without further explanation. For the purposes of this argument, it will be assumed that the Examiner is relying upon the “inner” coupling members 22 as being equivalent to the claimed plurality of protrusions. Assuming this, it is submitted that these two inner coupling members 22 do not create a circular path, as required by claim 9.

Regarding claim 13, Booker does not disclose a flange that encircles a portion of an outer edge of the annular shaped member, as required by amended claim 13. As discussed above, the coupling members 22 project from an inner bottom portion of the cover, as illustrated in Fig. 2 of Booker. Accordingly, a flange that *encircles a portion of an outer edge* is absent from Booker.

Regarding claims 17 and 20, Booker does not disclose a device that substantially covers a rim of a basketball hoop to create a shelf-like image. Rather, Booker merely

describes two pairs of coupling members which project from a bottom portion of a cover member to lock the cover member to a rim of a basketball hoop. The coupling members do not substantially cover the rim of the basketball hoop.

Because Booker does not disclose each and every limitation set forth in claims 1, 3, 4, 6, 7, 9-11, 13, 14, and 16-20, Booker cannot anticipate such claims. Withdrawal of this rejection is requested.

Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stovall (U.S. Patent No. 5,338,023). Traversal of this rejection is made for at least the following reasons. Stovall does not disclose means for creating a shelf-like image which substantially covers a rim of a basketball hoop. Rather, Stovall merely discloses an installation disk to facilitate removably securing a net to a basketball basket ring. Further, the installation disk is not on top of the basketball hoop, as required by claim 20. This is illustrated by the dotted lines shown in Fig. 2 of Stovall. Further still, Stovall expressly states that the installation disk is to be removed prior to playing basketball and is only used for removably securing the net to the hoop. Stovall further does not disclose rod-receiving means for removably coupling a training device on the basketball hoop. Instead, Stovall does not disclose any structure for coupling the installation disk to a basketball rim. The installation disk merely includes a plurality of slots for receiving portions of the basketball net therein. For at least these reasons, Stovall does not disclose each and every limitation set forth in claims 17, 19, and 20. Withdrawal of this rejection is respectfully requested.

Claims 17-20 are rejected under U.S.C. 102(b) as being anticipated by Carroll (U.S. Patent No. 2,710,189). Traversal of this rejection is made for at least the following reasons. Carroll does not disclose means for creating a shelf-like image which substantially covers a rim of a basketball hoop. Rather, Carroll discloses a lid or cover that is configured to fill an area between the confines of the basketball rim (col. 2, lines 35-38). Moreover, Carroll does not disclose rod-receiving means for removably coupling a training device on the basketball hoop. Carroll, instead, discloses clip members to engage the rim and to hold the cover in position. Because, Carroll does not disclose each and every limitation set forth in claims 17, 19, and 20, Carroll does not anticipate such claims. Withdrawal of this rejection is respectfully requested.

Claims 2, 5, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Booker et al. in view of Official Notice. Traversal of this rejection is made for at least the following reasons. Claims 2, 5, and 12 depend directly or indirectly from claim 1, which is

believed to be allowable over Booker et al. for at least the reasons discussed above. The Examiner's statement of Official Notice does not make up for the deficiencies of Booker et al. with respect to claim 1. Accordingly, the combination of Booker et al. and the Examiner's Official Notice does not render obvious claims 2, 5, and 12. Withdrawal of this rejection is respectfully requested.

Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (U.S. Patent No. 5,816,948) in view of Rapp (U.S. Patent No. 4,921,248). Traversal of this rejection is made for at least the following reasons. Neither Davies et al. nor Rapp teach or suggest a basketball training device having an annular shaped member and a flange that encircles a portion of an outer edge of the annular shaped member, as recited in claim 13. Davies et al. merely discloses a flat cover for covering an opening of a basketball hoop. The cover of Davies et al. does not have a flange or any similar structure which encircles a portion of an outer edge of the cover.

Further, the Examiner concedes that Davies et al. does not teach a rod to engage the annular member and thus relies on Rapp in an attempt to make up for the deficiencies of Davies et al. However, one skilled in the art would not have employed the rod of Rapp to remove the cover of Davies et al. In fact, because Davies et al. teaches the use of a security lock which passes through two locking holes positioned at a front portion of the cover, it is submitted that the rod structure disclosed in Rapp would not be operable to remove the cover of Davies et al. Thus, it is submitted that there is no motivation present in either Davies et al. or Rapp to support the proposed combination of references.

For at least the aforementioned reasons, the combination of Davies et al. and Rapp does not render obvious claims 13 and 14. Withdrawal of this rejection is respectfully requested.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. in view of Rapp and further in view of Mattoon (U.S. Patent No. 6,174,249). Traversal of this rejection is made for at least the following reasons. Claim 15 depends from claim 13, which is allowable over Davies et al. and Rapp for at least the reasons discussed above. Mattoon does not make up for the aforementioned deficiencies of Davies et al. and Rapp. Accordingly, the combination of Davies et al., Rapp, and Mattoon does not render claim 15 obvious. Withdrawal of this rejection is respectfully requested.


In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that

Appl. No. 10/789,230  
Amdt. Dated October 19, 2004  
Reply to Office action of August 31, 2004

the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 36352US1.

Respectfully submitted,  
PEARNE & GORDON LLP

  
\_\_\_\_\_  
Una L. Lauricia, Reg. No. 48,998

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700  
Date: October 19, 2004